

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston.....	12	June 16, 1980.
New York.....	12	June 13, 1980.
Philadelphia.....	12	June 13, 1980.
Cleveland.....	12	June 13, 1980.
Richmond.....	12	June 13, 1980.
Atlanta.....	12	June 16, 1980.
Chicago.....	12	June 13, 1980.
St. Louis.....	12	June 13, 1980.
Minneapolis.....	12	June 13, 1980.
Kansas City.....	12	June 13, 1980.
Dallas.....	12	June 13, 1980.
San Francisco.....	12	June 13, 1980.

3. Section 201.53 is revised to read as follows:

**§ 201.53 Advances to persons other than member banks.**

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston.....	14	June 16, 1980.
New York.....	14	June 13, 1980.
Philadelphia.....	14	June 13, 1980.
Cleveland.....	14	June 13, 1980.
Richmond.....	14	June 13, 1980.
Atlanta.....	14	June 16, 1980.
Chicago.....	14	June 13, 1980.
St. Louis.....	14	June 13, 1980.
Minneapolis.....	14	June 13, 1980.
Kansas City.....	14	June 13, 1980.
Dallas.....	14	June 13, 1980.
San Francisco.....	14	June 13, 1980.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, June 16, 1980.

Griffith L. Garwood,  
Deputy Secretary of the Board.

[FR Doc. 80-18625 Filed 6-19-80; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 14

#### Public Hearing Before a Public Advisory Committee, Advisory Committees; Establishment

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** Under the Federal Advisory Committee Act of October 6, 1972 and the Public advisory committee procedures (21 CFR Part 14), the Food

and Drug Administration (FDA) announces the establishment of the Blood Products Advisory Committee in FDA. This document adds to the agency's list of standing advisory committees. In another notice published elsewhere in this issue of the *Federal Register*, FDA asks for nominations for membership on this committee.

**DATES:** Effective June 20, 1980; authority for the committee being established will end on May 13, 1982, unless the Secretary formally determines that renewal is in the public interest.

#### FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

**SUPPLEMENTARY INFORMATION:** Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), FDA announces the establishment of the Blood Products Advisory Committee by the Secretary of the Department of Health and Human Services.

The Committee will review and evaluate available data concerning the safety, effectiveness, and appropriate use of blood and products derived from blood and serum which are intended for use in the diagnosis, prevention, or treatment of human diseases and will advise the Commissioner of Food and Drugs of its findings regarding the safety, effectiveness, and labeling of the products, the clinical and laboratory studies involving such products, the affirmation or revocation of biological product licenses, and the quality and relevance of FDA's research program which provides the scientific support for regulating these agents. The Committee will have nine members.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 by adding paragraph (b)(1)(ii), to read as follows:

#### § 14.100 List of standing advisory committees.

(b) \* \* \*

(1) \* \* \*

(ii) *Blood Products Advisory Committee.* (a) Date established: May 13, 1980.

(b) Function: Reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the

diagnosis, prevention, or treatment of human diseases.

**Effective date.** Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the *Federal Register*, June 20, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: June 13, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-18595 Filed 6-19-80; 8:45 am]

BILLING CODE 4110-03-M

#### 21 CFR Parts 510 and 558

#### New Animal Drugs for Use in Animal Feeds; Iodinated Casein (Thyroprotein)

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to codify two previously approved new animal drug applications (NADA's) held by Agri-Tech, Inc. The NADA's provide for the use of iodinated casein in the feed of growing ducks for increasing rate of weight gain and in the feed of dairy cows for increased milk production.

**EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

**SUPPLEMENTARY INFORMATION:** Agri-Tech, Inc., Kansas City, MO 64112, is the sponsor of NADA 5-633, originally approved February 23, 1945 and NADA 5-987, originally approved July 13, 1946. These NADA's were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group review published in the *Federal Register* of October 8, 1970 (35 FR 15859). The NAS/NRC review concluded, and the agency concurred, that iodinated casein is effective for increasing daily gain in growing ducks and increasing milk production in dairy cows, and that available data and information did not support any other effectiveness claims. The NAS/NRC review stated that "increased milk production in dairy cows" should be qualified as "effective for limited periods of time, effectiveness limited to the declining phase of lactation, administration accompanied



with increased feed intake, and administration may increase heat sensitivity of the animal," and that "improving growth and feathering in growing ducks" should be stated as "For increased rate of weight gains".

Following the NAS/NRC review, the Commissioner of Food and Drugs published a notice of opportunity for hearing in the Federal Register of August 28, 1971 (36 FR 17367) concerning several NADA's providing for use of iodinated casein. Specifically cited were NADA's 5-633 and 5-987 held by Agri-Tech, Inc. Subsequently, the agency published a notice of withdrawal of approval in the Federal Register of March 4, 1972 (37 FR 4730). In the withdrawal the agency noted that Agri-Tech, Inc., sponsor of NADA 5-633 and 5-987, requested a hearing, but failed to submit a well-organized and full factual analysis of the clinical and other investigational data to support its request. No other responses to the notice of opportunity for hearing were received.

In separate correspondence Agri-Tech had requested that the agency stay the effective date of the withdrawal of approval. The agency denied the request. The firm appealed the withdrawal to the U.S. Court of Appeals for the Eighth Circuit. The Court affirmed the agency's withdrawal of approval; nevertheless it stayed the effective date until September 15, 1973 to give Agri-Tech an opportunity to bring its iodinated casein products into compliance with the Federal Food, Drug, and Cosmetic Act.

Agri-Tech brought its iodinated casein products into compliance by revising the labeling to reflect the limitations established by the NAS/NRC review. The products have since been marketed with the revised labeling.

Based on the August 2, 1973 order of the Eighth Circuit Court and Agri-Tech's submission in response to that order, the agency published a notice in the Federal Register of November 17, 1975 (40 FR 53292) to clarify the status of iodinated casein products. The agency concluded that Agri-Tech's Protamone Thyroactive Casein brand of iodinated casein is a new animal drug for which substantial evidence exists to demonstrate that the product is effective when labeled in accordance with the conclusions of the NAS/NRC review. The agency vacated that part of the notice of 37 FR 4730 withdrawing approval of NADA's 5-633 and 5-987.

This document amends the regulations to include Agri-Tech, Inc., in the list of NADA sponsors, to clarify the status of iodinated casein products, and to codify the conditions of their use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended, as follows:

#### PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600(c) is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

Firm name and address		Drug labeler code
* * *		
(c) * * *		
(1) * * *		
* * *		
Agri-Tech, Inc., 4722 Broadway, Kansas City, MO 64112		017762
* * *		
(2) * * *		
Drug labeler code	Firm name and address	
* * *		
017762	Agri-Tech, Inc., 4722 Broadway, Kansas City, MO 64112	
* * *		

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, by adding new § 558.295 to read as follows:

§ 558.295 Iodinated casein.

(a) *Approvals.* See 017762 in § 510.600(c) of this chapter.

(b) *NAS/NRC status.* The use of this drug is NAS/NRC reviewed and found effective. Applications for these uses need not include efficacy data as required by § 514.111 of this chapter but may require bioequivalency or safety data.

(c) *Conditions of use.* (1) *Ducks*—(i) Amount per ton. 100 to 200 grams.

(ii) *Indications for use.* For increased rate of weight gain and improved feathering in growing ducks.

(2) *Dairy cows*—(i) Amount per pound. ½ to 1½ grams per 100 lb of body weight.

(ii) *Indications for use.* For increased milk production in dairy cows.

(iii) *Limitations.* This drug is effective for limited periods of time, and the effectiveness is limited to the declining phase of lactation. Administration must be accompanied with increased feed intake; administration may increase heat sensitivity of the animal.

*Effective date.* This regulation is effective June 20, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: June 11, 1980.

Lester M. Crawford,  
Director, Bureau of Veterinary Medicine.

[FR Doc. 80-18328 Filed 6-19-80; 8:45 am]

BILLING CODE 4110-03-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### 24 CFR Part 300

[Docket No. R-80-627]

##### List of Attorneys-in-Fact

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Final rule.

**SUMMARY:** This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

**EFFECTIVE DATE:** July 21, 1980.

**ADDRESSES:** Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:** Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

**SUPPLEMENTARY INFORMATION:** Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

##### § 300.11 [Amended]

1. Paragraph (c) of Section 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

##### Name and Region

Al Basinger, Dallas, Texas  
Max D. Robinson, St. Louis, Missouri  
E. A. Taylor, Atlanta, Georgia

2. Paragraph (c) of Section 300.11 is amended by adding the following names to the current list of attorneys-in-fact:



*Name and Region*

Barbara D. Berry, Atlanta, Georgia  
 Michael J. Crapp, Atlanta, Georgia  
 B. J. Odom, Atlanta, Georgia  
 Max. D. Robinson, Dallas, Texas  
 Allen G. Temple, Dallas, Texas

(Section 309(d) of the National Housing Act, 12 U.S.C. § 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. § 3535(d)). Issued at Washington, D.C., June 16, 1980.

Ronald P. Laurent,

President, Government National Mortgage Association.

[FR Doc. 80-18610 Filed 6-19-80; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 256**

**Off-Reservation Treaty Fishing: Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836; Extension of Comment Period**

**AGENCY:** Department of the Interior.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** This notice clarifies and extends the period for comments to be received on the amended interim rule, published April 28, 1980 (45 FR 28100), governing off-reservation treaty fishing under the treaty of March 29, 1836, 7 Stat. 491, in ceded Michigan waters of Lake Superior, Lake Michigan, Lake Huron, and connecting waters by members of the Bay Mills Indian Community, members of the Sault Ste. Marie Tribe of Chippewa Indians, and members of the Grand Traverse Band of Ottawa and Chippewa Indians. As published, the amended interim rule established a deadline of May 23, 1980 for submission of comments. The supplemental information published with the amended interim rule, however, stated that comments received on or before June 27, 1980 would be considered. In order to avoid further unnecessary confusion as to the date for receipt of comments, and to give all prospective commenters sufficient opportunity to submit comments, this notice hereby extends the comment period to June 27, 1980.

**DATES:** Comments on the amended interim rule (45 FR 28100) are due on or before June 27, 1980.

**ADDRESS:** Send comments to Associate Solicitor for Indian Affairs, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Robin A. Friedman, Attorney-Advisor, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240; (202) 343-8526.

Dated: June 16, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-18613 Filed 6-19-80; 8:45 am]

BILLING CODE 4310-02-M

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 9**

[T.D. ATF-72; Notice No. 325]

**Augusta Viticultural Area**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF).

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** This rule establishes a viticultural area in St. Charles County, Missouri, named "Augusta." The Bureau of Alcohol, Tobacco and Firearms feels that the establishment of the Augusta viticultural area and the subsequent use of its name as an appellation of origin in wine labeling and advertising will help consumers of wine to better identify Augusta wines.

**EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:****Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

In response to a petition, ATF published a notice of proposed rulemaking in the *Federal Register* (44

FR 41487) proposing a delimited grape-growing area surrounding Augusta, Missouri, as an American viticultural area. ATF solicited public comment concerning the proposed area and held a public hearing to discuss the proposed area on November 1, 1979, in Augusta, Missouri.

**Written Comments**

ATF received 10 written comments in response to its notice of proposed rulemaking. These 10 comments were of a general nature and favored the establishment of the Augusta viticultural area. Most of the comments mentioned the history of the Augusta area in grape production and winemaking and indicated that wines from the Augusta area are of a unique nature.

**Public Hearing**

Thirteen people commented at the public hearing. Following is a summary of their comments.

**Historical Evidence**

Several commenters presented evidence that the growing region has a long grape-growing and wine-producing history. A number of references note the Augusta area. These sources also refer to this grape-growing area by the name of the town, Augusta. Therefore, ATF believes that the Augusta viticultural area has a unique historical identity and that the name "Augusta" is the most appropriate name for the area.

**Geographical Features**

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding grape-growing areas. Much of the testimony at the public hearing concerned this requirement.

Based on this testimony, ATF has determined that the Augusta area is distinguishable from the adjacent areas by climatic variances, particularly in temperature, caused by the physiographic features of the Augusta area. The bowl-like ridge of hills to the west, north, and east and the Missouri River on the southern edge of the area provide a setting which differentiates the local climate of the Augusta area from the local climate of the surrounding areas.

**Boundaries**

ATF is using two county lines, a township line, and a range line as the boundaries of the Augusta area. A number of comments at the public hearing concerned these boundaries.

Some commenters felt that the use of artificial lines such as county, range,



and township lines to describe the area was improper. They argued that the use of survey lines to delineate an area which should be based on geographical factors was contradictory. They argued that since viticultural areas are intended to be distinct from political subdivisions they should be based on viticultural factors, and the use of county, range, and township lines was, therefore, inappropriate.

ATF feels that the use of political boundaries and survey lines is appropriate where they coincide with the distinguishing geographical features or where they reasonably describe an area which possesses a distinguishing viticultural characteristic. In the case of the Augusta area, the boundaries in the regulations delineate an area with distinguishing climatic and topographical characteristics.

#### Miscellaneous Comments

One commenter felt that viticultural areas would increase the operating costs and regulatory burdens on both the industry and Government. He felt that added recordkeeping concerning the origin of grapes used in a particular wine would be too costly.

ATF disagrees with this viewpoint. Wine producers must presently keep records concerning the origin of the wine they produce. The recordkeeping requirements concerning the origin of grapes used in a particular wine are the same whether the appellation of origin on the label is the name of a State, county or viticultural area. Also, the use of viticultural area appellations, in most cases, would be optional. Proprietors will be required to use a viticultural area appellation of origin after December 31, 1982, only if the wine is labeled as "Estate Bottled."

A commenter also stated that the labeling and percentage requirements concerning the use of viticultural area appellations of origin would be too difficult for ATF to enforce. ATF again disagrees. Labeling requirements concerning the use of appellations of origin have been in effect since 1935. ATF has proven its ability to monitor the origin of wines produced in the United States. The addition of viticultural areas will not make enforcement of labeling regulations more difficult. On the contrary, the establishment of viticultural areas with definite boundaries will facilitate enforcement.

A commenter suggested that the establishment of the Augusta viticultural area would give an unfair commercial advantage to wineries within the area or to wineries producing wine from grapes grown in the area.

ATF does not wish to give the impression that by approving the Augusta viticultural area, it is approving the quality of the wine from that area. ATF is approving the Augusta area as being viticulturally different from the surrounding areas, not better than other areas. Any commercial advantage which Augusta wineries may gain can only be substantiated by consumer acceptance of Augusta wines. ATF may not disapprove a viticultural area because consumers may find wines from that area appealing. By approving the Augusta viticultural area, ATF is allowing producers of Augusta wines to claim a distinction on labels and in advertisements as to the origin of the grapes used in the production of the wine. ATF will not allow producers of Augusta wines to claim that their wines are better because they originated from an approved viticultural area.

A commenter stated that the Missouri grape-growing industry was still too young to determine which geographical features distinguished one area from another area. He claimed that as experience with French-American hybrid grapes increased, Missouri grape growers and vintners would be better able to determine which areas within Missouri are distinctive. Therefore, he suggested ATF consider the petition for the Augusta viticultural area sometime in the future rather than the present.

ATF believes that there is no valid reason to delay the approval of the Augusta viticultural area. While viticultural knowledge is continually evolving, ATF believes that substantial knowledge exists indicating that differences in climate and other geographical factors do affect the growing conditions found within particular growing regions. Although distinctions in growing conditions may be mitigated by viticultural practices, these distinctions may also create differences in the grapes grown. Further, as the knowledge concerning viticultural areas is evolving, any regulations issued by ATF concerning viticultural areas are subject to change.

Accordingly, 27 CFR Part 9 is amended as proposed.

#### Drafting Information

The principal author of this document is Thomas L. Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

This Treasury decision is issued under the authority of 27 U.S.C. 205.

#### Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.22 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.22. As amended, the table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

Sec.

9.22 Augusta.

2. Subpart C is amended by adding § 9.22. As amended, Subpart C reads as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.22 Augusta.

(a) *Name.* The name of the viticultural area described in this section is "Augusta."

(b) *Approved maps.* The approved maps for the Augusta viticultural area are two U.S.G.S. maps. They are titled—

(1) "Washington East, Missouri", 7.5 minute quadrangle; and

(2) "Labadie, Missouri", 7.5 minute quadrangle.

(c) *Boundaries.* The boundaries of the Augusta viticultural area are located in the State of Missouri and are as follows:

(1) The beginning point of the boundary is the intersection of the St. Charles County line, the Warren County line and the Franklin County line.

(2) The western boundary is the St. Charles County-Warren County line from the beginning point to the township line identified on the approved maps as "T45N/T44N."

(3) The northern boundary is the township line "T45N/T44N" from the St. Charles County-Warren County line to the range line identified on the approved maps as "R1E/R2E."

(4) The eastern boundary is the range line "R1E/R2E" from township line "T45N/T44N" extended to the St. Charles County-Franklin County line.

(5) The southern boundary is the St. Charles County-Franklin County line from the extension of range line "R1E/R2E" to the beginning point.



Signed: June 4, 1980.

G. R. Dickerson,  
Director.

Approved: June 9, 1980.

Richard J. Davis,  
Assistant Secretary (Enforcement and  
Operations).

[FR Doc. 80-18705 Filed 6-19-80; 8:45 am]

BILLING CODE 4810-31-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1613

#### Extension of Retroactivity for Allegations of Handicap Discrimination

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission amends its regulations to require an agency to process an allegation which was the basis of a grievance or a discrimination complaint which was pending with the agency, the Commission or in a Federal Court on April 10, 1978, regardless of whether the acts or personnel actions occurred prior to the one year period identified by 29 CFR 1613.709(b), formerly 5 CFR 713.709(b), 43 FR 12295. **EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Thomas L. Saltonstall, Director, Technical Guidance Division, Office of Field Services, U.S. Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, (202) 634-6855.

**SUPPLEMENTARY INFORMATION:** Section 713.709(b) of the Civil Service Commission regulations required processing of complaints of handicap discrimination which were based on actions that occurred during the one year period prior to the effective date of the regulations (April 10, 1978). The Civil Service Commission reviewed and evaluated the suggestion that the procedure be made available to persons alleging handicap discrimination based on acts or personnel actions that occurred on or after September 26, 1973 (date of Rehabilitation Act). After considering the administrative implications of such an extended retroactivity period, the Civil Service Commission determined that the proposal was not feasible and decided to establish the one (1) year period. However, in reexamining the issue, the Civil Service Commission found substantial basis for requiring agencies to process allegations of handicap discrimination which were pending and

therefore current in the administrative or judicial process on the effective date of the regulations (April 10, 1978), even when the action giving rise to the allegations occurred prior to the one year retroactivity period provided by 5 CFR 713.709(b), 43 FR 12295.

A proposed amendment of this kind was pending on January 1, 1979, when the Equal Employment Opportunity Commission, pursuant to Reorganization Plan No. 1 of 1978, assumed jurisdiction over Federal EEO responsibilities and adopted as its own at CFR Part 1613 the Civil Service Commission regulations on complaint processing. See 43 FR 54733, with notice that written comments must have been filed with the EEOC on or before November 20, 1979.

The EEOC received no comments within the prescribed period for filing written comments regarding the proposed amendment.

This amendment does not affect or create any new rights for complainants whose matters had been disposed of prior to April 10, 1978. This amendment affects only those complainants who had issues pending with an agency, the Commission or a Federal Court on April 10, 1978.

The Commission also recognizes the possibility that the matters pending on April 10, 1978, may have been subsequently addressed and disposed of on their merits in accordance with the complaint procedures adopted on that date. In such a case an agency can reject a complaint in conformity with 29 CFR 1613.215 (former 5 CFR 713.215, 43 FR 60901). The complainant who believes the rejection was inappropriate could appeal to the Commission under the 29 CFR 1613.231(a)(1).

The expanded jurisdiction provided by this amendment does not revive any complaint which was fully adjudicated under the complaint procedures or in any other appropriate forum, even though it was adjudicated without the additional rights now available under the Rehabilitation Act of 1973 as a result of the amendment of that statute on November 6, 1978 by Pub. L. 95-602, 92 Stat. 2955. (See 29 U.S.C. 794a.)

Dated: June 17, 1980.

For the Commission.

Eleanor Holmes Norton,  
Chair.

Accordingly, 29 CFR Part 1613 (formerly 5 CFR Part 713) is amended to add a new § 1613.709(c) as set out below:

#### § 1613.709 Coverage.

(c) Notwithstanding the provision of subsection (b), a complainant may

request an agency to process allegations of handicap discrimination which had been filed as a discrimination complaint or as a grievance, and were pending with the agency, the Civil Service Commission or in a Federal Court on April 10, 1978. Such requests for processing of allegations of handicap discrimination must be brought to the attention of the agency EEO counselor not later than 180 days from the publication of this subsection in final form in the Federal Register.

[FR Doc. 80-18665 Filed 6-19-80; 8:45 am]

BILLING CODE 6570-06-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

#### Occupational Safety and Health Standards; Commercial Diving Operations; Correction

**AGENCY:** Occupational Safety and Health Administration, Department of Labor.

**ACTION:** Final rule, correction.

**SUMMARY:** This notice announces a correction to the permanent standard for commercial diving operations. As originally published, 29 CFR 1910.423 was inadvertently misnumbered with two paragraph (c)(4)'s. This is being corrected by renumbering the second paragraph (c)(4) as paragraph (c)(5), and renumbering the current paragraph (c)(5) as paragraph (c)(6).

**EFFECTIVE DATE:** June 20, 1980.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel Spiller, Office of Solicitor, Division of Occupational Safety and Health, U.S. Department of Labor, Room S4004, 3rd and Constitution Avenue, NW, Washington, D.C. 20210, telephone (202) 523-9468.

Accordingly, 29 CFR 1910.423 is corrected to read as follows:

#### § 1910.423 [Corrected]

1. The second paragraph (c)(4), which begins with "Treatment tables, \* \* \*" is corrected by renumbering it as paragraph (c)(5).

2. Paragraph (5), which begins "A dive team member \* \* \*," is corrected by renumbering it as paragraph (c)(6).

(Sec. 6, 84 Stat. 1593 [29 U.S.C. 655]; Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911).